

State of Kansas

State Library of Kansas
Notice of Hearing on Proposed
Administrative Regulation

A public hearing will be conducted at 10:00 am, Thursday, February 6, in Room 560 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of the proposed rule and regulation of the State Library of Kansas, on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to Barbara Turner, State Library of Kansas, 300 S.W. 10th Avenue, Room 312-N, Topeka, 66612, or by email to barbara.turner@library.ks.gov. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulation during the public hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentations to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Barbara Turner at 785-296-3296 or the Kansas Relay Center at 800-766-3777. Handicapped parking is located in front of and to the north of the Landon State Office Building.

This regulation is proposed for adoption on a permanent basis. The proposed regulation and the economic impact statement can be viewed at the following website:

<http://www.kslib.info/librarians/services/kansas-cipa.html>. A summary of the proposed regulation and the economic impact follows:

K.A.R. 54-4-1. Public library internet access policy; adoption and review. This is a new regulation that establishes procedures to ensure that appropriate technology protection measures are implemented to protect Kansas citizens, particularly minors, from visual depictions of child pornography, material that is harmful to minors, or obscene. The economic impact on the State Library is marginal. The economic impact on the public library will depend on the filtering software and the number of public access computers. The State Library does not anticipate any economic impact on other governmental agencies or private businesses or individuals.

Article 4. Children's Internet Protection; Public Library Requirements

54-4-1. Public library internet access policy; adoption and review. (a) The governing body of each public library shall adopt an internet access policy that meets the applicable requirements of subsection (b) and K.S.A. 2013 Supp. 75-2589, and amendments thereto.

(b) Each internet access policy shall meet the following requirements:

(1) State that the purpose of the policy is to restrict access to those materials that are child pornography, are harmful to minors, or are obscene;

(2) state how the public library will meet the applicable requirements of K.S.A. 2013 Supp. 75-2589, and amendments thereto;

(3) require the public library to inform its patrons of the procedures that library employees follow to enforce the applicable requirements of K.S.A. 2013 Supp. 75-2589, and amendments thereto; and

(4) require the public library to inform its patrons that procedures for the submission of complaints about the policy, the enforcement of the policy, and observed patron behavior have been adopted and are available for review.

(c) The governing body of each public library shall review its internet access policy at least once every three years. (Authorized by and implementing K.S.A. 2013 Supp. 75-2589; effective P-_____.)

State Library of Kansas
ECONOMIC IMPACT STATEMENT
K.A.R. 54-4-1

I. Summary of Proposed Regulation, Including Its Purpose.

Pursuant to the requirements of K.S.A. 2013 Supp. 75-2589, the State Library of Kansas is submitting a new regulation, K.A.R. 54-4-1, that establishes procedures for any public library that provides public access to a computer to ensure implementation and enforcement of technology protection measures to (a) Ensure that no minor has access to visual depictions that are child pornography, harmful to minors or obscene; and (b) ensure that no person has access to visual depictions that are child pornography or obscene.

II. Reason or Reasons the Proposed Regulation Is Required, Including Whether or Not the Regulation Is Mandated by Federal Law.

The governing board of each public library shall adopt a policy to ensure compliance with 2013 K.S.A. Supp. 75-2589; an Act creating the Kansas children's internet protection act. Such policy shall be reviewed every three years by the governing board. The State Library will employ one staff member who will provide informational training sessions on the law and develop template policies. This regulation is not mandated by federal law, and therefore the regulation does not exceed the requirements of federal law.

III. Anticipated Economic Impact upon the State Library of Kansas.

The State Library will employ one staff member who will provide informational training sessions on the law and develop template policies. The estimated cost to the State Library of salary and benefits is \$89,000 annually. A position and funding has been added to the State Library budget. That position will be discontinued in FY 2015.

IV. Anticipated Financial Impact upon Other Governmental Agencies and upon Private Business or Individuals.

The State Library does not anticipate an economic impact on other governmental agencies or on private businesses or individuals. The proposed regulation does not increase or decrease the revenue of cities, counties or school districts. It does not impose functions or responsibilities on cities, counties or school districts that will increase their expenditures or fiscal liability.

V. Anticipated Economic Impact upon Public Libraries.

Cost of filtering software and staff time to implement are the only financial impact anticipated on public libraries. The average cost of internet filtering as indicated by public library survey respondents was \$286.31. The estimated salary amount for public library staff to maintain the Kansas CIPA implementation measures was \$1,126.25.

VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

K.S.A. Supp. 75-2589(f)(8) allows for other, less costly processes that would block or filter online access to visual depictions besides computer technology.